

**58-50-1. Short title.**

This chapter shall be known as the "Private Probation Provider Licensing Act."

Enacted by Chapter 124, 1990 General Session

**58-50-2. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Private Probation Provider Licensing Board created in Section 58-50-3.

(2) "Court" means the particular court which orders probation in a case.

(3) "Private probation" means the preparation of presentence investigation reports and the performance of supervision services by a private probation provider and funded by a court-ordered fee, to be paid by the defendant, pursuant to Section 77-18-1.

(4) (a) "Private probation provider" means any private individual preparing presentence investigation reports or providing probation supervision pursuant to court order under Section 77-18-1 and who is licensed under this chapter, and whose services are limited to minor offenses and misdemeanor violations.

(b) A private probation provider does not have the authority of a peace officer.

(5) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:

(a) failure to disclose any financial or personal interest or prior relationship with parties that affects the private probation provider's impartiality or otherwise constitutes a conflict of interest;

(b) providing contract probation services when any financial or personal interest or prior relationship with parties affects the private probation provider's impartiality or otherwise constitutes an actual conflict of interest;

(c) failure to clearly define to the offender the services provided by the private probation provider, the rules of conduct, the criteria used, and the fees charged;

(d) failure to provide adequate supervision, or supervision as ordered by the court, as determined by the division in collaboration with the board; and

(e) failure to comply with the standards specified in Section 58-50-9.

Amended by Chapter 196, 2006 General Session

**58-50-3. Board -- Membership -- Duties.**

(1) There is created the Private Probation Provider Licensing Board. The board shall consist of five members as follows:

(a) one member representing the administrative office of the courts;

(b) one member representing the Department of Corrections;

(c) two members licensed as private probation providers; and

(d) one member from the general public.

(2) The board shall be appointed by the governor and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with

Sections 58-1-202 and 58-1-203.

Amended by Chapter 297, 1993 General Session

**58-50-4. License required -- License classifications.**

(1) An individual may not engage in practice as a private probation provider unless licensed or exempted from licensure under this chapter.

(2) The division shall issue to a person qualified for licensure under the provisions of this chapter a license as a private probation provider.

Amended by Chapter 297, 1993 General Session

**58-50-5. Qualifications for licensure.**

An applicant for licensure as a private probation provider shall:

(1) have a baccalaureate degree in a program approved by the division in collaboration with the board or have a combination of equivalent education and training as determined by the division in collaboration with the board;

(2) submit evidence that a business license to engage in private probation has been issued by the political subdivision of the state in which the applicant intends to establish his business office or offices; and

(3) apply for licensure and pay the required fees.

Amended by Chapter 120, 1991 General Session

**58-50-6. Term of license -- Expiration -- Renewal.**

(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as required under this chapter.

(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Repealed and Re-enacted by Chapter 297, 1993 General Session

**58-50-7. Grounds for denial of license -- Disciplinary proceedings.**

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Repealed and Re-enacted by Chapter 297, 1993 General Session

**58-50-9. Standards of conduct for private probation providers.**

The private probation provider:

- (1) shall maintain impartiality toward all parties;
- (2) shall ensure that all parties understand the nature of the process, the procedure, the particular role of the private probation provider, and the parties' relationship to the private probation provider;
- (3) shall maintain confidentiality or, in cases where confidentiality is not protected, the private probation provider shall so advise the parties;
- (4) shall disclose any circumstance that may create or give the appearance of a conflict of interest and any circumstance that may reasonably raise a question as to the private probation provider's impartiality; if the contract probation supervisor perceives or believes a conflict of interest to exist, the contract probation supervisor shall refrain from entering into those probation services;
- (5) shall adhere to the standards regarding private probation services adopted by the licensing board;
- (6) shall comply with orders of court and perform services as directed by judges in individual cases;
- (7) shall perform duties established under Section 77-18-1, as ordered by the court.

Amended by Chapter 20, 1995 General Session  
Amended by Chapter 352, 1995 General Session

**58-50-10. Exceptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in probation supervision services subject to the stated circumstances and limitations without being licensed under this chapter:

- (1) employees of the Department of Corrections while performing probation services as part of their normal duties and responsibilities;
- (2) members of the armed forces and employees, agents, or representatives of the federal government while acting in their official capacity; and
- (3) agencies of local government, pursuant to Section 77-18-1.

Amended by Chapter 20, 1995 General Session  
Amended by Chapter 352, 1995 General Session